

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN MIKE TAYLOR**, on March 6, 2001 at 8:00 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Taylor, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Vicki Cocchiarella (D)
Sen. Sam Kitzenberg (R)
Sen. Dale Mahlum (R)
Sen. Glenn Roush (D)
Sen. Don Ryan (D)

Members Excused: Sen. Dale Berry (R)

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Kyanne Kelly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 156, 3/3/2001; HB 379,
3/3/2001
Executive Action: HB 150; HB 120

HEARING ON HB 156

Sponsor: REPRESENTATIVE GARY MATTHEWS, HD 4, MILES CITY

Proponents: Brenda Nordland, Department of Justice
Steve Turkiewicz, Montana Automobile Association
Jim Robinson, MT Independent Automobile Dealers

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 0.8}

REPRESENTATIVE GARY MATTHEWS, HD 4, MILES CITY, said this bill would basically change three things; it would put new restrictions on curb-stoning ,it would create a whole new type of license plate, called a courtesy license plate, and the rest is housekeeping requested by the Department of Motor Vehicles.

Proponents' Testimony:

Brenda Nordland, Department of Justice, handed out a fact sheet **EXHIBIT (bus51a01)** and proposed amendments **EXHIBIT (bus51a02)**. She stated that the main thing in the bill was to put restriction on curb-stoning. She said people who curb-stone are people who don't want to follow the rules to be a car dealer, but want to make money by selling cars.

Steve Turkiewicz, Montana Automobile Association, said he supports this bill. **EXHIBIT (bus51a03)**

Jim Robinson, Montana Independent Automobile Dealers, said they get a lot of complaints from property owners who want to get rid of for sale vehicles in their parking lots.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR GLENN ROUSH asked if there is any way that a private individual could contract with the owner of the property and display their vehicle for sale.

Brenda Nordland said if there is consent of the property owner you could curb-stone the vehicle legally.

SENATOR ED BUTCHER asked if there were restrictions on a property owner allowing someone to sell a car from their property.

Dean Roberts, Department of Justice said no, the property owner would just have to sign an agreement that they are allowing this. He said the property owner would be restricted from selling the vehicle for the person.

SENATOR MIKE SPRAGUE asked for explanation of lines 25-27.

Brenda Nordlund said if the vehicle is not registered to a person and they are selling the car on a parking lot or street than it would be in violation of this law.

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 23}

REPRESENTATIVE GARY MATTHEWS, HD 4, MILES CITY, closed without comment.

HEARING ON HB 379

Sponsor: **REPRESENTATIVE KATHLEEN GALVIN-HALCRO, HD 48, GREAT FALLS**

Proponents: **Gene Fenderson, MT Heavy and Highway Committee**
 Patti Keebler, AFL-CIO

Opponents: **Brad Griffin, Montana Retail Association**
 Steve Wade, Montana Collectors Association
 Aidan Myhre, Montana Chamber of Commerce
 Riley Johnson, Federation of Independent Business

Informational Witness: **John Andrew, Dept. of Labor and Industry**

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 26.6}

REPRESENTATIVE KATHLEEN GALVIN-HALCRO, HD 48, GREAT FALLS, said this bill would give employees a rest break of at least 10 minutes twice a day.

Proponents' Testimony:

Gene Fenderson, Montana Heavy and Highway Committee, said this a gentle bill for employers. He said he supports this bill as necessary, especially in blue collar work.

Patti Keebler, AFL-CIO, said their office receives several calls a week from employees about the need for rest breaks in the work place.

Opponents' Testimony:

Brad Griffin, Montana Retail Association, said this may look like a benign bill but in the restaurant and retail business people have to be available to serve customers when the customers are there, not taking breaks.

Steve Wade, Montana Collectors Association, said they just don't like the idea of the legislature mandating breaks. He stated that right now they give breaks when they see fit, they think things are fine the way they are.

Aidan Myhre, Montana Chamber of Commerce, said she opposes a mandated benefit. She thinks it will become a litigated benefit.

Riley Johnson, Federation of Independent Business, said he opposes mandating this as policy. He said it is poor legislation and has no teeth.

Informational Witness: John Andrew, Dept. of Labor and Industry, made himself available to answer questions.

Questions from Committee Members and Responses:

SENATOR MAHLUM asked why management was included in the number of employees.

REPRESENTATIVE GALVIN-HALCRO said the bill drafter thought it would be good to include the management in that number.

SENATOR GLENN ROUSH asked if there appears to be a number of businesses in Montana not allowing their employees a break.

John Andrews said they do get calls like that. He further stated that they don't know exactly how many because they don't track those kind of calls.

SENATOR DON RYAN asked if this could lead to litigation.

REPRESENTATIVE GALVIN-HALCRO said there were penalties in the bill before, but they were amended out. She said that the whole point of this bill was to treat employees in a respectful manner. It was never meant to be punitive.

SENATOR BUTCHER asked if there were actually employers who didn't give people rest break.

REPRESENTATIVE GALVIN-HALCRO said yes.

SENATOR SPRAGUE asked if a lot of the complaints come from telemarketing companies.

John Andrew said yes. He further stated that there are no federal or state laws which allow coffee breaks or meal breaks.

SENATOR RYAN asked if any of these businesses have received tax subsidies to locate in Great Falls.

Representative Galvin-Halcro said yes.

Closing by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 28.1}

REPRESENTATIVE KATHLEEN GALVIN-HALCRO, HD 48, GREAT FALLS, said the opponents testifying in the current hearing said the bill was no good because it had no teeth. In the hearings in the House they believed it was too punitive so she worked with people to make the bill benign, and not to be punitive. She said what she wanted and the purpose of the bill was just to help see that the employee was treated with respect.

EXECUTIVE ACTION ON HB 150

Motion: **SEN. COCCHIARELLA** moved that **AMENDMENTS TO HB 150 BE ADOPTED. EXHIBIT (bus51a04)**

Discussion: **SENATOR COCCHIARELLA** said those who don't have accumulated vacation time can collect unemployment, but those who have vacation time are required to take their vacation time when the company shuts down. She said she wanted the word mandate taken out of the bill because then the company could not tell people when they had to take their vacations.

Vote: **Motion carried unanimously.**

Motion/Vote: SEN. ROUSH moved that HB 150 BE TABLED. Motion failed 5-4 with Kitzenberg, Mahlum, Roush, and Ryan voting aye.

Motion/Vote: SEN. BUTCHER moved that HB 150 BE CONCURRED IN AS AMENDED. Motion failed 5-4 with Berry, Butcher, Sprague, and Taylor voting aye.

Motion/Vote: SEN. ROUSH moved that HB 150 BE TABLED. Motion carried 5-4 with Berry, Butcher, Sprague, and Taylor voting no.

EXECUTIVE ACTION ON HB 120

Motion/Vote: SEN. MAHLUM moved that HB 120 AMENDMENTS # 12002 BE ADOPTED. Motion carried unanimously. EXHIBIT(bus51a05)

Motion: SEN. COCCHIARELLA moved that HB 120 AMENDMENTS #102001, EXCEPT SECTION 5, BE ADOPTED.

SENATOR BERRY asked if there have been random complaint filings. CHAIRMAN TAYLOR said yes. SENATOR BERRY said page 3 of the amendment should read that if in the process of investigation a violation of the code was discovered then the board could initiate a complaint. Steve Meloy, Administrator of the Professional and Occupational Licensing Division said if a board member brings a complaint they usually reclude themselves when it comes to the time to vote. SENATOR COCCHIARELLA said the language makes it tough for a board member to do their job. SENATOR BERRY said he doesn't see any conflict, that the board member can direct people where to go without joining in with them on the complaint.

Vote: Motion carried unanimously. EXHIBIT(bus51a06)

Motion/Vote: SEN. TAYLOR moved that HB 120 AMENDMENTS #012001, SECTION 5, BE ADOPTED. Motion carried 7-2 with Cocchiarella and Kitzenberg voting no.

Motion/Vote: SEN. MAHLUM moved that HB 120 BE CONCURRED IN AS AMENDED. Motion carried 7-2 with Mahlum and Ryan voting no.

ADJOURNMENT

Adjournment: 10:05 A.M.

SEN. MIKE TAYLOR, Chairman

KYANNE KELLY, Secretary

MT/KK

EXHIBIT (bus51aad)